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On March 14, 2003
By Scott Hewett
Scott Hewett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: JOHNSON, Peter W.

Examiner: LIU, M-H.

Application No.: 09/802,449

Art Unit: 2697

Filed: March 9, 2001

DECLARATION UNDER
37 CFR 1.131

For: REVERSE CANTILEVER FOR
INPUT DEVICES

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, DC 20231

I, Peter W. Johnson, hereby declare:

1. I understand that willful false statements and the like are punishable by fine, imprisonment, or both, and may jeopardize the validity of the application or any patent issuing thereon.

2. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true.

3. I am the original and sole inventor for all claims pending in the above-referenced patent application.

4. I conceived the invention claimed in the above-referenced patent application in the United States of America before the February 20, 2001 filing date of U.S. Patent No. 6,323,843 by Giles et al., as supported by Exhibit A, which contains two sheets of drawings illustrating embodiments of my invention, both dated March 22, 1999. Please note detail 3 of *Reversed Cantilever Button Design-Implementation in a Mouse*, which shows a first fulcrum at one end of a first cantilever beam, and a second fulcrum at the other end of the first cantilever beam joining the first cantilever beam to a second cantilever beam, and a plunger extending through the first cantilever beam.

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5. Subsequent to this conception, I met with my patent attorney, Scott W. Hewett, who sent me a final draft of the above-referenced patent application on January 18, 2001, which is before the critical date of U.S. Patent No. 6,323,843, as shown in Exhibit B, which is a copy of a letter to me from Mr. Hewett dated January 18, 2001 and its associated FEDEX label.

6. The final draft of the patent application sent to me on January 18, 2001 was filed with the U.S. Patent and Trademark Office without change. Thus, the final draft of the patent application sent to me on January 18, 2001 establishes that I conceived the invention, and that the invention was constructively reduced to practice, by January 18, 2001, which is before the critical date of U.S. Patent No. 6,323,843. In the event that the Examiner does not agree with this position, I further declare:

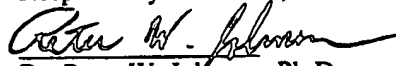
6. I accepted an offer of to work at the University of Washington, Seattle, Washington as an Assistant Professor, my employment starting February 1, 2001. From approximately January 21, 2001 to January 25, 2001 and from January 30, 2001 to February 10, 2001 I was in Burlington, Vermont and Boston, Massachusetts, respectively on travel incident to closing my business as an independent ergonomic research consultant before I began working at the University of Washington on February 12, 2001.

7. I sent the patent application and signed Declaration to Mr. Hewett on March 7, 2001, as supported by Exhibit C, which is a copy of the FedEx label used to transmit the signed Declaration to Mr. Hewett.

8. The patent application was filed on March 9, 2001.

Accordingly, the undersigned believes that U.S. Patent No. 6,323,843 should not bar the grant of any claim of the above-referenced patent application, and requests the issuance of a formal Notice of Allowance at an early date.

Respectfully submitted,


Dr. Peter W. Johnson, Ph.D.

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